

BOARD OF SUPERVISORS' MEETING
PLANNING AND ZONING AGENDA
October 7, 2015

CONSENT AGENDA

1. Title: Crossriver Point
Case #: Z2015042
Supervisor District: 4
Applicant/Owner: Bowman Consulting Group/ Empire Residential Communities Fund II, LLC
Request: Zone Change from Rural-43 to R1-6 RUPD
Site Location: Located approximately at the northwest corner of Williams Drive and 120th Lane in the Peoria area
Site Size: Approximately 9.92 acres
Commission
Recommendation: On 9/10/15, the Commission voted 6-0 to recommend **approval** of **Z2015042** subject to conditions 'a' – 'k':

- a. Development of the site shall comply with the Zoning Exhibit entitled "Crossriver Point Preliminary Plat", consisting of 2 full-size sheets, dated July 15, 2015 and stamped received July 16, 2015 except as modified by the following conditions.
- b. Development of the site shall be in conformance with the Narrative Report entitled "Rezone and Preliminary Plat Crossriver Point", consisting of 6 pages, dated May 15, 2015, and stamped received July 16, 2015 except as modified by the following conditions.
- c. The applicant/property owner shall submit a 'will serve' letter from Rural Metro Fire Department for fire protection services for the project site. A copy of the 'will serve' letter shall be required as part of the initial construction permit submittal.
- d. All buildings are subject to noise attenuation as per ARS § 28-8482(B).
- e. Noncompliance with any Maricopa County Regulation or condition of approval shall be grounds for initiating a revocation of this Zone Change as set forth in the Maricopa County Zoning Ordinance. The property owner/s and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with conditions.
- f. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property owner to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, a hearing shall be scheduled with the Board of Supervisors for consideration to revert the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property

and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation of the Zone Change. The Zone Change enhances the value of the property above its value as of the date the Zone Change is granted and reverting to the prior zoning results in the same value of the property as if the Zone Change had never been granted.

- g. Zoning approval is conditional per Maricopa County Zoning Ordinance, Article 304.6, and ARS § 11-814 for five (5) years for the initial phase and an additional five (5) years for each subsequent phase, within which time the initial subdivision infrastructure permit or construction permit for each phase must be approved. The applicant shall submit a written report every five years from the date of Board of Supervisors approval of Z2015042 which details the status of this project, including progress on obtaining subdivision infrastructure and/or construction permits. The status report to be administratively reviewed by Planning and Development with the ability to administratively accept or to carry the status report to the Board of Supervisors (Board), upon recommendation by the Planning and Zoning Commission (Commission) for consideration of amendments or revocation of zoning for undeveloped parcels. Status reports will be required until completion of the initial subdivision infrastructure and/or construction permits.
- h. Based on the conceptual design nature of the information submitted, changes to the site layout and/or a reduction in the number of building lots may be necessitated by the final engineering design of the subdivision drainage infrastructure.
- i. Any application for site development must include a grading and drainage plan prepared by a licensed civil engineer in accordance with Planning & Development Form 706 (Preliminary Plat Phase) & Forms 705 & 712B (Final Plat & Building Permit Phase).
- j. Any application for development must demonstrate that historic drainage inflow and outflow flows and characteristics will be maintained.
- k. The following R1-6 RUPD standard shall apply:

- 1) Minimum Lot Width: 50'

2. Title:	Tiensvold Special Use Permit
Case #:	Z2015024
Supervisor District:	3
Applicant/Owner:	Gary Swinford/ Cecilia Tiensvold
Request:	Special Use Permit (SUP) for a Cottage Industry. Unanimous vote required for SUP approval due to waiver of screening requirement.
Site Location:	Located approximately 675' north of the northeast corner of Pinnacle Vista Drive and 44 th Street in the Phoenix area
Site Size:	Approximately 0.61 acre of 2.44 acres

Commission

Recommendation: On 9/10/15, the Commission voted 6-0 to recommend **approval** of **Z2015024** subject to conditions 'a' – 'i':

- a. Development of the site shall comply with the Site Plan entitled "Tiensvold Special Use Permit", consisting of one (1) full-size sheet, dated June 18, 2015, and stamped received July 20, 2015 except as modified by the following conditions. Maximum building square footage associated with this Cottage Industry and within the SUP area is limited to 800 square feet.
- b. Development of the site shall be in conformance with the narrative report entitled "Narrative Report" consisting of two (2) pages, dated July 10, 2015, and stamped received July 20, 2015, except as modified by the following conditions.
- c. Amendments to the site plan and narrative report shall be processed as a revised application in accordance with Maricopa County Zoning Ordinance Article 304.9.
- d. The applicant/property owner shall submit a 'will serve' letter from Rural Metro for fire protection services for the site.
- e. This Special Use Permit shall expire 10 years from the date of approval by the Board of Supervisors for a period of 90 or more consecutive days, or upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 60 days of such termination or expiration.
- f. The applicant/owner shall submit a written report outlining the status of the development at the end of 5 years from the date of approval by the Board of Supervisors. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved conditions.
- g. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- h. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, and at the time of expiration of the Special Use Permit, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, or the expiration of the Special Use Permit, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation or expiration of the Special Use Permit. The Special Use Permit enhances the value of the property above its value as of the date the Special

Use Permit is granted and reverting to the prior zoning results in the same value of the property as if the Special Use Permit had never been granted.

- i. The requirement for the solid screen wall is waived with this Cottage Industry approval.

3. Title: PHX – Magnolia
Case #: Z2015032
Supervisor District: 4
Applicant/Owner: Michelle Dahlke for Shawn and Associates/ Anthony and Sherry Thomas
Request: Special Use Permit (SUP) for Wireless Communication Facility (WCF) – 80' (h) monopole stealth designed as a pine tree in the Rural-43 zoning district
Site Location: Located approximately 588' from the northwest corner of Durango Strett and 203rd Avenue in the Buckeye area
Site Size: Approximately 1,440 sq. ft. of an 8.89 ac. parcel
Commission
Recommendation: On 9/10/15, the Commission voted 5–1 to recommend **approval** of **Z2015032** subject to conditions 'a' – 'h':

- a. Development of the site shall comply with the Site Plan entitled "Verizon Wireless PHO Magnolia", consisting of six (6) full-size sheets, dated July 8, 2015, and stamped received July 20, 2015, except as modified by the following conditions.
- b. Development of the site shall be in conformance with the Narrative Report entitled "Verizon Wireless PHX-Magnolia Wireless Communication Facility", consisting of seven (7) pages, dated revised July, 2015, and stamped received July 20, 2015.
- c. The height of the wireless communication facility (tower, antennas, and all attachments) shall be limited to 80'.
- d. A Minor Amendment will not be required to co-locate future carriers on the Wireless Communication Facility if concealment element is maintained.
- e. The wireless communication tower shall retain the stealth properties as originally designed. Any damaged or missing fronds or branches shall be replaced within 60 days of such damage occurring.
- f. This Special Use Permit shall expire 25 years from the date of approval by the Board of Supervisors, or upon termination of the use for a period of 90 days or more. All of the site improvements shall be removed within 60 days of such termination or expiration.
- g. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.

- h. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, and at the time of expiration of the Special Use Permit, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, or the expiration of the Special Use Permit, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation or expiration of the Special Use Permit. The Special Use Permit enhances the value of the property above its value as of the date the Special Use Permit is granted and reverting to the prior zoning results in the same value of the property as if the Special Use Permit had never been granted.

4. Title: Verizon PHO Porcupine
Case #: Z2015041
Supervisor District: 5
Applicant/Owner: Steve Clolek / Arizona Lutheran Academy Federation Inc.
Request: Special Use Permit (SUP) for a Wireless Communication Facility (WCF) – 80' monopole as a sports field light pole in the Rural-43 zoning district

Site Location: Located approximately 290 ft. south of the southwest corner of Southern Ave. and 27th Ave. in the Laveen area.
Site Size: Approximately 577 sq. ft. of 19 ac. parcel
Commission
Recommendation: On 9/10/15, the Commission voted 6–0 to recommend **approval** of **Z2015041** subject to conditions 'a' – 'g':

- a. Development of the site shall comply with the Site Plan entitled "PHO Porcupine", consisting of six (6) full-size sheets, dated stamped received August 12, 2015, except as modified by the following conditions.
- b. Development of the site shall be in conformance with the Narrative Report entitled "SUP of a Wireless Communication Facility", consisting of three (3) pages, dated stamped received August 12, 2015.
- c. The overall height of the wireless communication facility shall be limited to 80' including all antennas and attachments.
- d. A Minor Amendment shall be required to co-locate future carriers on the Wireless Communication Facility.
- e. This Special Use Permit shall expire 25 years from the date of approval by the Board of Supervisors, or upon termination of the use for a period of 90 days or more. All of the site improvements shall be removed within 60 days of such termination or expiration.

- f. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- g. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, and at the time of expiration of the Special Use Permit, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, or the expiration of the Special Use Permit, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation or expiration of the Special Use Permit. The Special Use Permit enhances the value of the property above its value as of the date the Special Use Permit is granted and reverting to the prior zoning results in the same value of the property as if the Special Use Permit had never been granted.